

EXHIBIT 1

(Proposed Order)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
_____)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)

NAOMI DAUGHTERTY v. DONALD)
JONES, M.D., *ET AL.*)

Dkt. No. 1:14-cv-10430)
_____)

ORDER TRANSFERRING CASE TO EASTERN DISTRICT OF TENNESSEE

On September 9, 2016, the Judicial Panel on Multidistrict Litigation issued a conditional remand order remanding this case to the Eastern District of Tennessee, provided no party objected within seven days.¹ No party objected.

The conditional remand order further instructed the parties to submit a designation of the record to be remanded pursuant to Rule 10.4(a) of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation.² Dr. Jones submitted a designation of the record on December 7, 2016.³ No party objected to Dr. Jones' designation of the record, nor submitted their own designation of the record.

Accordingly, the Court hereby orders the clerk to transfer this case to the Eastern District of Tennessee and close the case in this Court.

¹ Dkt. No. 1:13-md-2419, Doc. 3084 at 1, 4.

² Dkt. No. 1:13-md-2419, Doc. 3084 at 1.

³ Dkt. No. 1:14-cv-10430, Doc. 8.

When transferring the case, the clerk shall include the following filings identified in Dr. Jones' designation of the record⁴:

1. This Order;
2. The entire individual docket for this case, Dkt. No. 1:14-cv-10430;
3. MDL Order No. 1, filed on February 15, 2013, Dkt. No. 1:13-md-2419, Doc. 4;
4. MDL Order No. 2, filed on April 9, 2013, Dkt. No. 1:13-md-2419, Doc. 82;
5. MDL Order No. 3, filed on April 11, 2013, Dkt. No. 1:13-md-2419, Doc. 85;
6. MDL Order No. 4, filed on April 11, 2013, Dkt. No. 1:13-md-2419, Doc. 86;
7. MDL Order No. 5, filed on April 11, 2013, Dkt. No. 1:13-md-2419, Doc. 87;
8. MDL Order No. 6, filed on June 28, 2013, Dkt. No. 1:13-md-2419, Doc. 209;
9. MDL Order No. 7, filed on September 18, 2013, Dkt. No. 1:13-md-2419, Doc. 483;
10. MDL Order No. 8, filed on August 13, 2014, Dkt. No. 1:13-md-2419, Doc. 1333;
11. MDL Order No. 9, filed on September 18, 2014, Dkt. No. 1:13-md-2419, Doc. 1425;
12. MDL Order No. 9A, filed on November 10, 2014, Dkt. No. 1:13-md-2419, Doc. 1528;
13. MDL Order No. 10, filed on September 18, 2014, Dkt. No. 1:13-md-2419, Doc. 1426;
14. MDL Order No. 11, filed on November 11, 2014, Dkt. No. 1:13-md-2419, Doc. 1524;
15. Stipulated Protective Order of Confidentiality, filed on July 12, 2013, Dkt. No. 1:13-md-2419, Doc. 280;
16. Amended Stipulated Protective Order of Confidentiality, filed on August 16, 2013, Dkt. No. 1:13-md-2419, Doc. 397;
17. Second Amended Protective Order of Confidentiality, filed on January 15, 2014, Dkt. No. 1:13-md-2419, Doc. 784;

⁴ Dkt. No. 1:14-cv-10430, Doc. 8.

18. Third Amended Protective Order of Confidentiality, filed on January 27, 2014, Dkt. No. 1:13-md-2419, Doc. 814;
19. Fourth Amended Protective Order of Confidentiality, filed on August 9, 2016, Dkt. No. 1:13-md-2419, Doc. 3036;
20. Order Concerning Intervention by State of Tennessee, filed October 17, 2013, Dkt. No. 1:13-md-2419, Doc. 516;
21. Order on Motions to Quash and Objections to Subpoenas, filed on November 13, 2013, Dkt. No. 1:13-md-2419, Doc. 572;
22. Order on Donald Jones, MD's Motion for Specific Ruling Quashing Subpoena to Him Consistent with Court's November 13, 2013 Order, filed on December 18, 2013, Dkt. No. 1:13-md-2419, Doc. 634;
23. Order on Plaintiff Fact Sheets, Authorizations to Release Records, and Protective Orders, filed on December 23, 2013, Dkt. No. 1:13-md-2419, Doc. 722;
24. Order on Plaintiffs' Profile Forms and Authorization for Release of Plaintiffs' Records, filed on February 14, 2014, Dkt. No. 1:13-md-2419, Doc. 923;
25. Order Regarding Plaintiffs' Profile Form Releases and Responses, filed on February 24, 2015, Dkt. No. 1:13-md-2419, Doc. 1709;
26. Order Granting Joint Motion Entry of ESI Protocol, filed on April 10, 2014, Dkt. No. 1:13-md-2419, Doc. 1087;
27. Memorandum and Order on Various Discovery-Related Motions, filed on July 31, 2015, Dkt. No. 1:13-md-2419, Doc. 2123;
28. Order Denying Commonwealth of Massachusetts' Motion for Protective Order, filed on August 13, 2015, Dkt. No. 1:13-md-2419, Doc. 2164;
29. Qualified Protective Order for the Production of Certain Information Maintained by Tennessee Department of Health, filed on September 10, 2015, Dkt. No. 1:13-md-2419, Doc. 2243;
30. Order Granting Motion to Stay the Depositions of Joseph Connolly and John Notarianni, filed on January 4, 2016, Dkt. No. 1:13-md-2419, Doc. 2556;
31. Order and Opinion Regarding Choice of Law Issues Related to Comparative Fault Claims, filed on January 14, 2016, Dkt. No. 1:13-md-2419, Doc. 2581;
32. Order on Motion to Compel Responses to Written Discovery, filed on March 4, 2016, Dkt. No. 1:13-md-2419, Doc. 2725;

33. Order Permitting Access to the Rust/Omni Repository by Litigating Parties, filed on January 29, 2016, Dkt. No. 1:13-md-2419, Doc. 2619;
34. Order Dismissing Claims Against Settling Defendants, filed on August 25, 2014, Dkt. No. 1:13-md-2419, Doc. 2193;
35. Order Regarding Procedure for Entry of Final Judgments Dismissing Claims Against Settling Defendants in Individual Cases in this MDL Proceeding, filed on November 9, 2014, Dkt. No. 1:13-md-2419, Doc. 2406;
36. Opinion and Order Granting the Tennessee Defendants' Motion for Partial Summary Judgement on Claims Brought Under the Tennessee Products Liability Act, filed on February 29, 2016, Dkt. No. 1:13-md-2419, Doc. 2700;
37. Order Granting the Specialty Surgery Center Defendants' Motion for Partial Summary Judgement on Claims Brought Under the Tennessee Products Liability Act, filed on August 5, 2016, Dkt. No. 1:13-md-2419, Doc. 3027; and
38. Suggestion of Remand or Transfer, filed on August 25, 2016, Dkt. No. 1:13-md-2419, Doc. 3076.
39. Conditional Remand Order, filed on September 9, 2016, Dkt. No. 1:13-md-2419, Doc. 3084.

DATE

RYA W. ZOBEL
SENIOR UNITED STATES DISTRICT JUDGE